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2 Magistrate Judge Paula McCandlis

3 CLERK OF THE COURT
 4 WESTERN DISTRICT OF WASHINGTON
 5 BY DEPUTY

6 UNITED STATES DISTRICT COURT FOR THE
 7 WESTERN DISTRICT OF WASHINGTON
 8 AT SEATTLE

9
 10 UNITED STATES OF AMERICA,
 11 Plaintiff,
 12 v.
 13 ALI AMER WAHEEB MUFREJ,
 14 Defendant.

CASE NO. MJ 18-558
 COMPLAINT for VIOLATION
 18 U.S.C. §2320

15 BEFORE United States Magistrate Judge Paula McCandlis, Seattle, Washington.

16 The undersigned complainant being duly sworn states:

17 COUNT 1

18 **Trafficking in Counterfeit Goods**

19 On or about the below dates, within the Western District of Washington, and
 20 elsewhere, ALI AMER WAHEEB MUFREJ, along with other persons known and
 21 unknown, intentionally trafficking in goods and knowingly using a counterfeit mark on or
 22 in connection with such goods:

Date	Transaction
March 7, 2018 to June 28, 2018	The importation and sale of one (1) Toyota-branded airbag, and component parts, bearing spurious marks identical to and substantially indistinguishable from genuine marks that were in use and registered for the use in connection with airbags and airbag component parts on the principle register in the United States Patent and Trademark Office, namely the Toyota

23
 24 Complaint: ALI MUFREJ - 1
 25 USAO 2018R01160

26 UNITED STATES ATTORNEY
 27 700 STEWART STREET, SUITE 5220
 28 SEATTLE, WASHINGTON 98101
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1 trademark, and the use of the aforementioned marks was likely
2 to cause confusion, to cause mistake, and to deceive.

3 All in violation of Title 18, United States Code, Section 2320(a) and Section (2).

4
5
6 **I, Michelle Hardin-Pineda, a Special Agent with Homeland Security**
7 **Investigations, Seattle, Washington, having been duly sworn, state as follows:**

8 **INTRODUCTION AND AGENT BACKGROUND**

9 1. I am a Special Agent with U.S. Immigration and Customs Enforcement
10 ("ICE"), Homeland Security Investigations ("HSI"), in Seattle, Washington, and have
11 been so employed since February 2006. I am currently assigned to the HSI Field Office in
12 Seattle, Washington. In my current capacity, I investigate federal criminal violations
13 including money laundering, smuggling, drug trafficking, commercial fraud, and
14 intellectual property theft.

15 2. I have successfully completed the Federal Law Enforcement Training
16 Center Criminal Investigator Training Program in Brunswick, Georgia. While at FLETC,
17 I completed the Criminal Investigators Training Program and Immigration and Customs
18 Enforcement Special Agent Training. As part of my duties as a Special Agent, I have
19 participated in and led and participated in numerous investigations involving smuggling,
20 drug trafficking, commercial fraud, intellectual property theft and money laundering.
21 Additionally, I have been involved in all aspects of criminal investigations including
22 surveillance and undercover operations, and I am authorized to serve and execute search
23 and arrest warrants.

24 3. The information in this Affidavit is based upon the investigation that I have
25 conducted in this case, my conversations with other law enforcement officers who have
26 engaged in various aspects of this investigation, and my review of reports written by
27 other law enforcement officers involved in this investigation. Because this Affidavit is
28 being submitted for the limited purpose of securing a search warrant, I have not included

1 each and every fact known to me concerning this investigation. I have set forth only those
 2 facts that I believe are relevant to a determination of probable cause to support the
 3 issuance of the requested warrant. When the statements of others are set forth in this
 4 affidavit, they are set forth in substance and in part.

5 SUMMARY

6 6. In March 2018, HSI Special Agents received information that ALI AMER
 7 WAHEEB MUFREJ (“MUFREJ”) via eBay Seller NW-Pacific-Parts, located in Kent,
 8 Washington, was involved in the importation, advertising and sale of counterfeit airbags,
 9 airbag components and airbag covers. The investigation determined that ALI MUFREJ
 10 was associated with NW-Pacific-Parts and was linked to three other eBay user names
 11 selling similar suspected counterfeit airbags, airbag components, and airbag covers.
 12 Based on the eBay records for NW-Pacific-Parts between September 27, 2017 and
 13 September 7, 2018, the scheme resulted in the sales of 171 airbags for a total of \$63,589.

14 INVESTIGATION

15 A. Customs and Border Protection Seizure of Parcel

16 7. On March 7, 2018, Homeland Security Investigations (HSI) received
 17 information from Customs and Border Protection (CBP) at the San Francisco Airport
 18 Mail Center that officials had intercepted an international parcel, hereinafter referred to
 19 as “SEIZED PARCEL”. The SEIZED PARCEL was sent via EMS, an international
 20 postal express mail service, from Hong Kong and was addressed to ALI MUFREJ at the
 21 address 10605 SE 240th St. #510, Kent, WA 98031, a P.O. BOX. CBP conducted an
 22 inspection of the parcel delivery receipt which contains, among other things, the shipper,
 23 addressee, and quantity and description of the contents of the parcel. The contents of the
 24 parcel were described as “Restrain Modules”. CBP then conducted a border search of the
 25 parcel which revealed six Toyota-branded airbags modules. CBP contacted and sent
 26 photos of the airbags to the Brand Protection Analyst for Toyota North America for a
 27 determination as to the authenticity of the airbags. The analyst determined that the
 28 airbags are counterfeit based on the following reasons:

- 1 • Genuine Toyota airbag assembly contains two serial numbers, one on the
2 inflator and one on the assembly (located on the metal frame). The analyst
3 only observed one serial number located on the inflator in the photos
4 provided.
- 5 • All Genuine Toyota airbag inflators contain a unique serial number that
6 would not be repeated on another inflator. The analyst observed repeated
7 serial numbers on different parts which is a strong indicator of counterfeit.
- 8 • The labels on the inflators are inconsistent with Genuine Toyota label font
9 and text location.
- 10 • Genuine Toyota airbag components are not sold separately or unassembled,
11 Toyota only sells and / or distributes entire assemblies. Small shipments of
12 disassembled components is not consistent with Toyota or Toyota
13 supplier's shipping methods.

14 8. The mailing address on the parcel is that of a business named Mailboxes of
15 Kent that rents personal mailboxes to customers. On May 9, 2018, a United States Postal
16 Inspector traveled to Mailboxes of Kent located at 10605 SE 240th St, Kent, Washington
17 98031. A female employee advised box #510 was rented to a person she knew as "Ali" a
18 long-time customer. However, the employee indicted an application for the box was not
19 on file.

20 9. ALI MUFREJ's physical address residence was 23821 110th Ave SE Apt.
21 1B201, Kent, Washington, 98031. On or about May 21, 2018, HSI agents conducted
22 surveillance at 23821 110th Ave SE Apt 1B201, Kent, Washington, 98031. A male was
23 observed walking from the staircase that leads to the units that comprise building 1B. The
24 male was later identified as ALI MUFREJ based on comparison with Washington State
25 driver's license photograph.

26 10. On June 27, 2018, a Postal Inspector delivered a certified piece of mail
27 addressed to ALI MUFREJ at 23821 110th Ave SE Apt 1B201, Kent, Washington 98031.
28 The certified piece of mail contained a Notice of Seizure from CBP, Office of Fines,
29 Penalties and Forfeiture (FP&F) regarding the SEIZED PARCEL. The seizure notice was
30 addressed to ALI MUFREJ and explained it was to notify him that U.S. Custom and
31 Border Protection (CBP) seized the property described as approximately six (6)

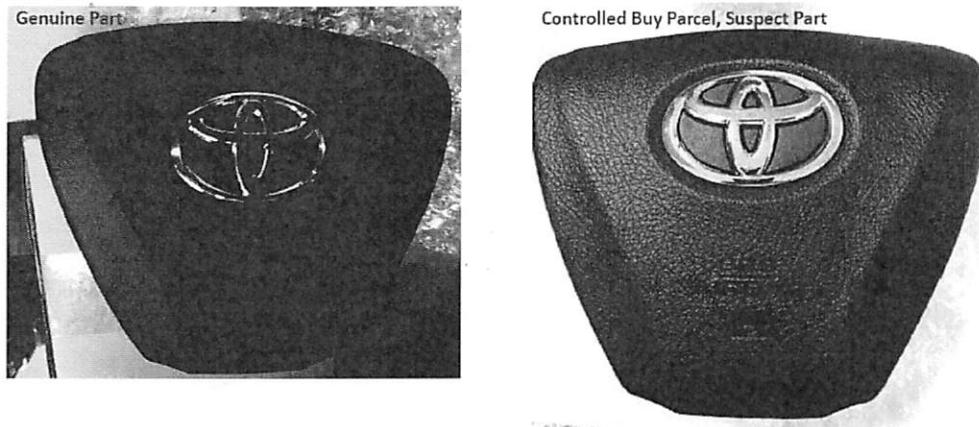
1 Counterfeit Toyota automobile airbags. The letter further explained the property seized
 2 was seized for violation of 19 USC 1526(e) which prohibits the importation of
 3 merchandise bearing a counterfeit trademark that is both registered with the Patent and
 4 Trademark Office (PTO) and recorded with CBP. The property contains markings which
 5 are substantially indistinguishable from, and therefore, bear a counterfeit
 6 design/word/mark. The letter advised ALI MUFREJ of the options available to him
 7 concerning the seizure. During the delivery of the letter, a male answered the door to the
 8 apartment and accepted the certified piece of mail. The male printed his name and signed
 9 a receipt for the mail. The name he printed was ALI MUFREJ. In addition, the Postal
 10 Inspector indicated the male resembled the Washington State driver's license photograph
 11 for ALI MUFREJ.

12 11. On June 28, 2018, an undercover HSI agent utilizing an undercover
 13 eBay.com account located a Toyota airbag offered for sale by seller NW-PACIFIC-
 14 PARTS. This seller had been identified as belonging to ALI MUFREJ. Federal law
 15 enforcement agents established surveillance on ALI MUFREJ's apartment located in
 16 Kent, Washington while an HSI UC agent purchased a Toyota Airbag on eBay from
 17 seller NW-Pacific-Parts.

18 12. HSI agents subsequently observed ALI MUFREJ leave his apartment
 19 complex in a Jeep Cherokee bearing Washington plate BJY6128 registered in his name
 20 and drive directly to the Kent Post Office located near his residence. Agent observed ALI
 21 MUFREJ go into the Kent Post Office with two parcels: one large parcel wrapped in
 22 purple paper and one small brown box with "Fragile" stickers on it. ALI MUFREJ placed
 23 both packages on the counter and exited the post office. Federal law enforcement agents
 24 went into the Kent Post Office and obtained the parcel, hereinafter referred to as
 25 "CONTROLLED BUY PARCEL" which had been placed into the mail by ALI
 26 MUFREJ. The CONTROLLED BUY PARCEL was addressed from NW Pacific Auto
 27 Parts, 3655 E Marginal Way, Seattle, WA 98134. A review of the label revealed an
 28

1 Internet-based postage service provider was used to purchase the postage for the
 2 CONTROLLED BUY PARCEL.

3 13. The CONTROLLED BUY PARCEL was found to contain one Toyota-
 4 branded airbag wrapped in plastic. HSI agents sent photographs of the suspect airbag to a
 5 Brand Protection Analyst with Toyota Motor North America for a product determination.
 6 Toyota Motor North America determined the item was a counterfeit Toyota airbag
 7 assembly. The airbag mailed by MUFREJ bore spurious marks substantially
 8 indistinguishable from genuine marks that were in use and registered for the use in
 9 connection with airbags and airbag component parts on the principle register in the
 10 United States Patent and Trademark Office, namely the Toyota trademark, and the use of
 11 the aforementioned marks was likely to cause confusion, to cause mistake, and to
 12 deceive. A genuine Toyota airbag is show in the photo below (left) and next to the
 13 counterfeit airbag sold by MUFREJ (right):



22 14. An Internet-based postage service provider was used to purchase the
 23 postage for the CONTROLLED BUY PARCEL. Online postage services enable a user to
 24 print USPS approved postage with a computer, printer, and Internet connection from their
 25 home or office. Records from an Internet-based postage service provider showed the
 26 label for the parcel was associated with an account in the name of ALI MUFREJ, with a
 27 company name of AutopartsGlobal. Records showed a billing address for ALI MUFREJ
 28 of 23821 110th Ave SE Apt 1B201, Kent, WA 98031; and an e-mail address of

1 almifarji@yahoo.com. The account was associated with approximately 2,139 labels
 2 addressed to people throughout the United States. Almost all of the labels contained a
 3 sender name of AutopartsGlobal or NW Pacific Auto Parts and included ALI MUFREJ's
 4 address in Kent, Washington.

5 15. An HSI agent subsequently communicated with the eBay seller from NW-
 6 Pacific-Parts via e-mail. On or about August 15, 2018, the HSI agent received an e-mail
 7 to an undercover account from alimifarji@yahoo.com. The e-mail stated: "Hi Buddy,
 8 This is Ali from eBay NW-Pacific-Parts Please reply to my email to chat about Toyota
 9 airbags you're interested in. Thanks. Signed: "Ali Mufrej (206) 422-8520".

10 16. An HSI undercover agent (UCA) was introduced to ALI MUFREJ via this
 11 email account. The UCA continued communication with ALI MUFREJ via cell phone at
 12 the number (206) 422-8520, the same number ALI MUFREJ listed in his email. During
 13 one of those conversations ALI MUFREJ stated he can get airbags, curtain airbags, side
 14 airbags and airbag covers. ALI MUFREJ stated he gets older items from wreckers and
 15 new item he gets from outside the state, wholesale.

16 17. On October 3, 2018, the HSI UCA meet with ALI MUFREJ to discuss the
 17 future purchase of airbags. During the conversation ALI MUFREJ agreed to sell airbags
 18 to the UCA and give a price reduction since the UCA would be picking up the airbags
 19 and because he would not incur additional cost from selling through eBay. ALI MUFREJ
 20 agreed to meet the UCA again. On October 22, 2018, the HSI UCA had another
 21 conversation with ALI MUFREJ regarding the purchasing of airbags. During the
 22 conversation ALI MUFREJ stated he didn't have any airbags to sell the UCA, only
 23 online, however he did have some used parts in a storage unit. He stated his work, Safari
 24 Exports, might have some airbags and he was willing to escort the UCA to the business.
 25 ALI MUFREJ explained to the UCA that the airbags cannot be shipped via airplane they
 26 can only be shipped via ground.

27 //
 28 //

1 **B. Previous Seizures**

2 18. On or about November 22, 2016, Custom and Border Protection (CBP)
3 seized three international parcels addressed to ALI MUFREJ at 10605 SE 240th Street
4 #510, Kent, WA 98031 that contained 299 counterfeit airbag covers and emblems, with a
5 total manufacturer suggest retail price (MSRP) of \$11,284. The parcels contained
6 infringing products violating the trademarks of Toyota, Subaru, Nissan, Ford, Mazda,
7 Chevrolet, Hyundai, and Infiniti.

8 **C. Recent Seizure**

9 19. On or about September 24, 2018, CBP at the DHL in Cincinnati mail center
10 intercepted two international parcels. The parcels were coming from Hong Kong and
11 addressed to Ali MUFREJ at 10605 SE 240th Street, #510 Kent, WA 98031. A border
12 search was conducted on the parcel which revealed ten (10) airbag inflators with
13 assemblies and two (2) additional airbags inflators. The items were determined to be
14 counterfeit as the same serial numbers were listed on multiple units. Toyota Motor North
15 America also determined the items were counterfeit.

16 **D. Open Source Records**

17 20. On May 7, 2018, a query of the Washington State Department of Revenue
18 website for business associated with ALI MUFREJ. The query revealed the business
19 AUTOPARTSGLOBAL, LLC is a limited liability company in Washington State located
20 at 23821 110th Ave SE Apt 1B201, Kent, Washington 98031, owned by ALI MUFREJ.
21 The business was assigned Unified Business Identifier (UBI) # 604-090-489 and North
22 American Industry Classification System NAICS# 441310 – Automotive Parts and
23 Accessories Stores. The business was opened March 1, 2017.

24 **E. Import History**

25 21. A review of CBP importation history for ALI MUFREJ revealed from
26 approximately November 2014 to May 2018, ALI MUFREJ was the consignee on 18
27 international air parcel shipments. In March, April, and May 2016 a total of three
28 international shipments were sent to 23821 110th Ave SE Apt 1B201, Kent, Washington.

1 For these three shipments the commodity description as "Dashboard Cover". Beginning
 2 in May 2016, the remaining fourteen shipments were sent to the P.O. Box address used
 3 by MUFREJ. The commodity description used for these shipments included but were not
 4 limited to "cover", "label", 'airbag cover".

5 **F. Intellectual Property Rights Center Investigation**

6 22. Homeland Security Investigations (HSI) is the lead agency at the National
 7 Intellectual Property Rights Coordination Center (IPR Center). The IPR Center consists
 8 of 23 partner agencies, who purpose is to combat intellectual property theft, partnering
 9 with not only with other federal agencies, but also Interpol, Europol, and the governments
 10 of Canada and Mexico. Through information sharing with public and private sector, the
 11 IPR Center assists ongoing criminal investigations by providing relevant information.

12 23. The IPR Center provided HSI agents with data from eBay.com related to
 13 ALI MUFREJ. eBay data revealed several accounts linked to ALI MUFREJ, which he
 14 used to sell counterfeit products. ALI MUFREJ used the eBay user IDs autopartsglobal
 15 and autopartsglobal2, apgone_100 and NW-Pacific-Parts.

16 24. The accounts were established at different times: autopartsglobal on
 17 December 26, 2011, and autopartsglobal2 on November 1, 2016, NW-Pacific-Parts on
 18 July 19, 2017 and apgone_100 on February 27, 2018.

19 25. For the autopartsglobal, autopartsglobal2, and NW-Pacific-Parts a contact
 20 info address of the 23821 110th Ave SE Apt 1B201, Kent, Washington 98031 was
 21 provided, and for the shipping address the P.O. BOX address was provided. For
 22 apgone_100 the contact and shipping address was 3655 East Marginal Way South,
 23 Seattle, Washington 98134. This address is for Safari Exports, a business where ALI
 24 MUFREJ works. The address is also present on ALI MUFREJ's other eBay accounts
 25 under shipping address history. eBay records revealed autopartsglobal2 account is
 26 associated with approximately 1,875 listed items many including "airbag" or airbag cover
 27 in the title. Records for NW-Pacific-Parts account revealed approximately 171 listing for
 28 airbags that were sold to eBay buyers for a total of approximately \$63,589.00. A review

1 of customer feedback showed a negative review stating, “the airbag has been refurbished
 2 and you have lied to me”.

3 26. eBay has a Verified Right Owner Program (VeRO) which allows owner of
 4 intellectual property (IP) rights and their authorized representative to report eBay listing
 5 that may infringe on those rights. A review of VeRO data for NW-Pacific-Parts revealed
 6 on May 5, 2018, a listing for a “2015 - 2018 Honda Fit Driver Wheel Airbag Air Bag
 7 Black” was removed. If a listing is removed by VeRO an email is sent with details about
 8 why the listing was reported and how to contact the rights owner directly for more
 9 information.

10 27. The IPR Center also provided HSI agents with reports from Hyundai/Kia
 11 Brand Protection. The two reports detail controlled buys of counterfeit airbag covers that
 12 a Hyundai/Kia representative made from eBay user autopartsglobal2 in May 2017. For
 13 each controlled buy, the Hyundai/Kia representative received the counterfeit airbag
 14 covers via USPS Priority Mail with a return address of 23821 110th Ave SE Apt 1B201,
 15 Kent, Washington 98031.

16 28. Fiat Chrysler Automobiles (FCA) brand protection provided three (3)
 17 reports detailing the controlled buys of counterfeit airbag covers. A FCA representative
 18 made the three control buys; one (1) from eBay user autopartsglobal2 in September 2017,
 19 and two (2) from apgone_100 in May 2018. For each controlled buy, the FCA
 20 representative received the counterfeit airbag covers via USPS priority mail with a return
 21 address of AutopartsGlobal at 23821 110th Ave SE Apt 1B201, Kent, Washington
 22 98031. The FCA Brand Protection investigated provided a timeline of these controlled
 23 buys which showed for two of the buys FCA enforced and submitted to eBay’s VeRO for
 24 removal and notice to seller.

25 **G. Confirmation of New Address**

26 29. On May 7, 2018, a U.S. Postal inspector reviewed postal records. The
 27 records revealed ALI MUFREJ has created an account on the USPS website. With this
 28 account, MUFREJ can perform tasks such as setup text message notifications for parcels

1 being tracked, as well as view images of mail being sent to his address. The address
 2 information ALI MUFREJ provided when he setup the account was 23821 110th Ave SE
 3 Apt 1B201, Kent, Washington 98031. On or about October 23, 2018, US Postal Inspector
 4 notified HSI agents ALI MUFREJ had put in a change of address which was created on
 5 October 3, 2018. ALI MUFREJ listed his new address 23641 20th, Apt 303, Des Moines,
 6 Washington, 98198, the SUBJECT PREMISES. HSI Agent Hardin-Pineda conducted
 7 surveillance on the SUBJECT PREMISES and observed ALI MUFREJ driving a Jeep
 8 Cherokee bearing Washington plate BJY6128 registered in his name and park in front of
 9 the stairs leading up to apartment A303. ALI MUFREJ was observed walking up the
 10 stairs towards apartment A303 and last observed as he made the turn directly facing
 11 apartment A303. On November 8, 2018, U.S. Postal Inspector confirmed records showed
 12 that ALI MUFREJ is receiving mail at the SUBJECT PREMISES. A review of PayPal
 13 data revealed account number 1860205424925086993 listing the user as ALI MUFREJ
 14 and the business as Autoparts Global, LLC. On October 16, 2018, ALI MUFREJ's
 15 address was updated to the SUBJECT PREMISES.

TRAINING AND EXPERIENCE

17 30. Based upon my training and experience, and conversations with other
 18 experienced law enforcement agents and officers who have been involved in counterfeit
 19 trafficking cases, I know the following:

20 31. CBP is responsible for controlling, regulating, and facilitating the
 21 movement of carriers, people, and commodities between the United States and other
 22 nations. CBP is also responsible for detecting, interdicting, and investigating smuggling
 23 and other illegal practices aimed at illegally entering contraband or other prohibited
 24 articles into the United States including but not limited to trademark items.

25 32. In general terms, a trademark is a word, name, symbol, or device, or any
 26 combination thereof, that is intended to distinguish one producer's goods from those of
 27 other producers and to indicate the source of the goods. Trademark law helps ensure that
 28 a trademark can serve this function of distinguishing a producer's goods, because it

prohibits other producers from using a similar mark in a way that is "likely to cause confusion" among consumers (i.e. by making consumers wonder which producers created which products). Trademark law broadly prohibits uses of trademarks, trade names, and trade dress that are likely to cause confusion about the source of a product or service.

5 33. Articles bearing counterfeit trademarks are subject to seizure and forfeiture.
6 A counterfeit trademark is defined as a spurious trademark that is identical with, or
7 substantially indistinguishable from, a registered trademark. Articles with marks that
8 copy or simulate a registered trademark that has been recorded with CBP are subject to
9 detention and possible seizure and forfeiture.

CONCLUSION

11 3. Based upon the foregoing facts and circumstances, I respectfully submit
12 there is probable cause to believe ALI AMER WAHEEB MUFREJ has committed
13 violations of Title 18 U.S.C. § 2320 (Trafficking in Counterfeit Goods). *J*

MICHELLE HARDIN-PENEDA
Special Agent, HSI

18 Based on the Complaint and Affidavit sworn to before me, and subscribed in my
19 presence, the Court hereby finds that there is probable cause to believe the defendant
20 committed the offense set forth in the Complaint.

DATED this 7 day of December, 2018.


PAULA McCANDLIS
United States Magistrate Judge